
OLR Bill Analysis

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RESOLUTION PROPOSING AN AMENDMENT TO THE STATE CONSTITUTION TO GRANT INCREASED AUTHORITY TO THE GENERAL ASSEMBLY REGARDING ELECTION ADMINISTRATION.

SUMMARY:

This resolution proposes a constitutional amendment to (1) eliminate the requirement for electors to gather on Election Day to cast votes for state officers and General Assembly members and (2) remove restrictions on absentee voting.

The resolution also lifts the constitutional deadlines by which the lists of results (i.e., moderator's returns) for state officers and General Assembly members must be delivered to town clerks and the secretary of the state (within three and 10 days after an election, respectively) (see BACKGROUND).

The ballot designation to be used when the amendment is presented at the general election is: "Shall the Constitution of the State be amended to remove restrictions concerning absentee ballots and to permit a person to vote without appearing at a polling place on the day of an election?"

Currently, the state constitution sets the first Tuesday after the first Monday in November in specified years as the day of election for legislative and statewide offices (Article 3 § 8 and Article 4 § 1). With one exception, it requires electors to gather at a meeting on this day to elect state officers (Article 4 § 2). The exception authorizes the General Assembly to pass a law allowing electors to cast their vote by absentee ballot if they will be out of town, sick, or physically disabled or the tenets of their religion prohibits secular activity on Election Day (Article 6 § 7). The General Assembly exercised this authority and passed CGS § 9-135.

EFFECTIVE DATE: If the resolution passes by at least three-fourths of the membership of each house of the General Assembly, it will be placed on the 2012 general election ballot. If it passes by a majority of the membership of each house but less than three-fourths, it will be referred to the 2013 session of the legislature. If it passes in that session by a majority of each house, it will appear on the 2014 general election ballot. If a majority of those voting in the general election approves the amendment, it will become part of the state constitution.

BACKGROUND

Moderator Returns

The statutes require moderators to deliver their returns:

1. by electronic means no later than midnight on Election Day (in which case they must also deliver a paper copy no later than three days after an election);
2. by hand to the secretary of the state no later than 6: 00 pm the day after an election; or
3. by hand to the State Police by 4: 00 pm the day after an election, who must then deliver them by hand to the secretary no later than 6: 00 pm the same day.

Moderators must deliver the returns to their respective town clerks on or before the day after an election (CGS § 9-314).

COMMITTEE ACTION

Government Administration and Elections

Joint Favorable Substitute

Yea 11 Nay 4